

# The Atkin Firm, LLC

Attorney at Law

55 Madison Avenue, Suite 400  
Morristown, NJ 07960

400 Rella Boulevard, Suite 165  
Suffern, NY 10901

By: John C. Atkin, Esq.\*

---

\* Member of NJ, NY, and PA Bar

Tel: (973) 314-8010

Fax: (833) 693-1201

Email: JAtkin@atkinfirm.com

October 9, 2024

## **VIA ECF**

Hon. Cheryl L. Pollak, U.S.M.J.  
U.S. Dist. Court Eastern District of New York  
225 Cadman Plaza East, 1214 South  
Brooklyn, New York 11201

**Re: Strike 3 Holdings, LLC v. John Doe subscriber assigned IP address  
24.228.200.32  
Dkt. No. 1:24-cv-3064-AMD-CLP**

Judge Pollak,

As Your Honor is aware, I represent Plaintiff Strike 3 Holdings, LLC ("Plaintiff") in the above-referenced matter. Please accept this letter as the status report required by Your Honor's October 7, 2024 Order. D.E. 9.

Plaintiff served the court-authorized subpoena (with attached order and complaint) on the Internet Service Provider ("ISP"), Optimum, on June 26, 2024. After receiving the Court's October 7, 2024 Order, Plaintiff contacted Optimum to determine whether the subscriber notification had been sent and to remind the ISP that the Court's June 25, 2024 Order imposed a requirement that the ISP must file a proof of service (since none appears on the docket). The ISP responded: "Civil Notice was provided to the subscriber on 09/06/2024 at FedEx tracking 778358969589. Affirmation of service and Ex Parte affirmation of service was provided to the Court on 09/27/2024 at FedEx tracking 778833300546."

Upon information and belief, Optimum will produce a response to the subpoena once it is permitted to under the terms of the June 25, 2024 Order and, therefore, Plaintiff anticipates it will receive the subpoena response between November 6, 2024 (when Doe's challenge deadline expires) and November 20, 2024 (14-days after Doe's challenge deadlines passes).

To date, neither the subscriber (nor any counsel) has contacted Plaintiff regarding this matter. Thank you for your attention to this matter.

Respectfully submitted,

/s/ John C. Atkin

John C. Atkin, Esq.